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## RESEARCH AND PRACTICE BRIEF

# TOWARDS A FRAMEWORK OF PRACTICE FOR TRANSFORMATIVE JUSTICE: A CRITICAL APPROACH

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## INTRODUCTION

Amid growing concern at the superficial or shallow nature of transition, such as in Tunisia where regime change has occurred without genuine socio-economic change, the need for deeper, more transformative change has become ever-pressing. Transformative justice has emerged in response for addressing concerns such as structural and systemic violence in societies transitioning away from conflict or repression (see, e.g., Gready and Robins, 2014, 2019; Boesten and Wilding, 2015; Evans, 2018, 2019a). Yet there remains little by way of practice or programming (see, e.g., Evans 2019b; McAuliffe, 2017; Sharp, 2020).<sup>1</sup> Indeed, this is a key challenge raised by those sympathetic with the normative aspirations of transformative justice but sceptical or critical of its practical potential (e.g. Waldorf, 2012, 2019a, 2019b; McAuliffe, 2017; Sharp, 2020).<sup>2</sup>

This research and practice brief aims to sketch out a framework of practice for a critical approach to transformative justice. It draws on a review of the emerging transformative justice literature and other fields and sectors with a generally emancipatory professional practice in order to identify some key components that might comprise this framework.<sup>3</sup> What is meant by ‘framework of practice’ is the overall approach that practitioners take for promoting and supporting transformative justice. The value of seeking to develop an initial framework is that we can begin conceptualising, implementing and ultimately reflecting on transformative justice practice – albeit with the qualification that this framework is preliminary and subject to refinement through cross-practitioner dialogue and as our practice develops.

## WHO ARE THE PRACTITIONERS?

An inclusive definition of ‘practitioners’ captures the diversity of organisations, groups and individuals involved in justice-promotion projects in transitional settings. These include state, supranational and non-state actors and organisations involved in initiating, conducting and advising on formal processes of transitional justice; and civil society organisations, activists and activist groups, academics, lawyers, movements and ordinary citizens

<sup>1</sup> This brief summarises elements of the paper ‘Towards a framework of practice for transformative justice’ (Hoddy and Evans, 2020) produced for the workshop ‘Delivering Transformative Justice in Practice’, University of Sheffield, UK, 21 May 2020. Production of this brief was funded by ESRC grant ES/T009055/1, ‘Developing a research and practice agenda for transformative justice’. The authors would like to thank Paul Gready, who provided some comments on an earlier draft of this brief.

<sup>2</sup> In this regard, Dustin Sharp (2020) asks ‘What Would Satisfy Us?’. Meanwhile, Lars Waldorf (2019b, p.161) has preferred calls for “‘good enough’ transitional justice” and ‘for linking transitional justice to sustainable development through legal empowerment’ to what he views as the danger of ‘more raised expectations and bitter frustrations’ with transformative justice (Waldorf, 2019b, p.163).

<sup>3</sup> Other fields of professional practice are rights-based development and community development, conflict transformation in peacebuilding, critical social work, and radical pedagogy. These fields are socially progressive in orientation and anti-oppressive, taking inspiration from social movement and community activism and are geared towards confronting structural sources of oppression, marginalisation and exclusion.

contributing to transitional justice processes and community-driven projects for pursuing ‘justice in transition’ (Gready and Robins, 2017).

## THEMES

The ‘transformative justice diamond’ (Fig. 1) represents in visual form a preliminary framework of practice for transformative justice practitioners. It is comprised of the core themes distilled from the literature, drawing in particular on Butcher et al.’s (2007) approach to critical community practice as a connecting framework. These themes are intimately linked with one another, such as where theoretical knowledge provides input to work on action, and where critical reflection allows practitioners to question the beliefs, assumptions and values underpinning their practice.

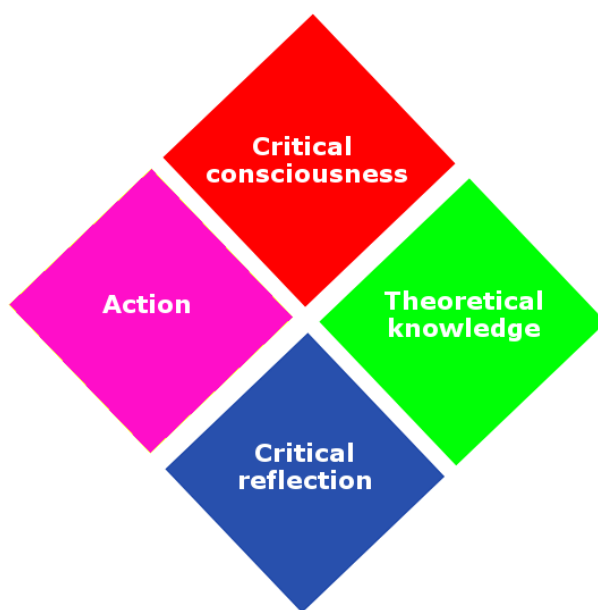


Fig. 1. The ‘transformative justice diamond’ as a preliminary framework of practice

1. **Critical consciousness** – action for transformative change hinges on individual and collective consciousness of experiences of unjust and harm-generating social contexts. The practitioner’s role is to acquire and help foster critical consciousness among affected communities, promoting new skills for overcoming social conditions and transforming people into citizens and rights-holders that can participate in and contribute to social and political life and decision-making (see, e.g., Freire, 2000). A number of broad outcomes are associated with processes that foster critical consciousness: a rendering transparent of the structural and relational sources of harm and constraint; generating recognition of the ways in which personal and individual problems are linked to broader socio-political contexts; and individual and collective action that is oriented towards contesting unjust structures, systems and practices (Yu, 2018). Critical consciousness as a component in the framework entails some practitioner assumptions and commitments including:
  - an understanding of the nature and role of power in social systems;
  - that unjust or harm-generating structures can be reshaped or transformed by the people implicated in them;
  - the principle of social justice;
  - empowerment as processes of challenging and subverting existing relations of power and of creating and negotiating new relationships and structures;
  - participation of affected individuals and groups and the principles of equality and non-discrimination;
  - transformative changes to relationships, structures, systems and practices that are unjust or harm-generating;
  - justice/emancipation as freedom from unwanted and unneeded forms of oppression and constraint.

2. **Theoretical knowledge** – practitioners (NGOs, social movements etc. as well as academics) harness critical theories and engage in knowledge production activities as part of their social change work. Theoretical knowledge can assist practitioners by: providing conceptual and practical insights that helps them understand social systems with which they are engaged (descriptive theory); seeing how things can be different from what they are (normative theory); and informing strategies for action (Gready, 2019; Evans, 2018; Hoddy and Gready, submitted). Rather than merely applying social scientific theories, the work of practitioners approximates more closely to a critical ‘reflective practice’ where theoretical and practical insights are integrated ‘on the ground’ and steered by processes of critical reflection (see section ‘critical reflection’).
3. **Action** – refers to organised, often coordinated activities, that aim to effect changes to unjust structures, systems and practices and power relations. In general, practitioner action is oriented towards assisting others in pursuing of transformative change as opposed to delivering it themselves. Producing transformative change involves integrating top-down and bottom-up action, for example, where a policy change favoured by communities emerges through concerted advocacy work on the part of organisations and movements and support from sympathetic political actors (e.g. Ensor et al., 2015; Waisbich and Coelho, 2019).
4. **Critical reflection** – requires practitioners to analyse their practice and to unearth the theories, assumptions and values that are involved in that practice (Schön, 1983; Fook et al., 2006). It also involves practitioner awareness of their own identities, positionality and standpoints (Sakamoto and Pitner, 2005), and an understanding of how power operates. Changes and improvements to practice are made through new awareness among practitioners, arrived at through reflective analysis conducted in the settings and problems with which they are practically engaged (Fook et al., 2006).

## TOWARDS DELIVERING TRANSFORMATIVE IN PRACTICE AND SOME EMERGING QUESTIONS

While the emerging transformative justice literature has begun considering action for change and the linkages between empowerment and participation, these are yet to be specified within a broader framework of practice that includes critical consciousness and reflection. Critical consciousness, as a component of action, seems to be missing from discussions about transformative justice, inviting the question: what role, if any, might critical consciousness-raising have in the practical application of transformative justice? In addition, the relationship of critical theories and knowledge production to transformative justice is underspecified. By bringing together several key themes in a way that is novel to transformative justice, this framework may serve as a starting point for conceptualising, implementing and ultimately reflecting on practice.

Some emerging questions for transformative justice follow:

- What capacities are required of practitioners for supporting empowerment that goes beyond a narrower ‘legal empowerment’ framework?
- How are power and change understood/theorised by academics and practitioners in the field and across disciplines (social sciences and law)?
- Can an explicit critical consciousness agenda enhance transformative justice practice?
- Does consciousness-raising in transformative justice and transitional settings introduce anything fundamentally novel compared to other fields of practice where it is applied, such as development and conflict and peacebuilding etc.?
- Given the role that elites and institutions play in constraining the possibilities for change in transition (McAuliffe, 2017), does transformative justice also entail a ‘pedagogy of the privileged’ (Reason and Bradbury, 2008)? Does transitional justice perform a ‘pedagogy of the privileged/powerful’ role?
- What range of knowledge and knowledge production activities is useful to practitioners in transitional settings? How can publication practices reflect this? What sorts of methodologies might be employed?
- What other theoretical assumptions and commitments are required of transformative justice practitioners? What tools and procedures can be used for fostering critical reflection among practitioners in transitional and post-conflict settings? How can we guarantee the anti-oppressive orientation of transformative justice practice?
- What does the proposed framework of practice imply for the relationship between transformative and transitional justice?

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